

REMARKS

Interview request

Applicants respectfully request a telephonic interview before and/or after the Examiner has reviewed the instant response and amendment, at the Examiner's convenience. Applicants request the Examiner call Applicants' representative at 858 720 5133.

Status of the Claims

Pending claims

Claims 1 to 36, 38, and 40 to 42 are pending and under consideration (examination); claims 37 and 39 are withdrawn as being drawn to a non-elected invention; thus, claims 1 to 42 are pending.

Claims added in the instant amendment

Claim 43 was added. Accordingly, after entry of the instant amendment, claims 1 to 36, 38, and 40 to 43, will be pending and under examination.

Outstanding rejections

Claims 1 to 36, 38, and 40 to 42 are rejected under 35 U.S.C. §112, first paragraph, enablement requirement. Applicants respectfully traverse all outstanding objections and rejections of the claims.

Support for the Claim Amendments

The specification sets forth an extensive description of the invention in the new and amended claims; see U.S. patent application publication no. 20030056231 ("the '231 publication"). For example, support for mouse strains made from transgenic mice of this invention can be found, inter alia, in paragraph [0032] of the '231 publication. Accordingly, Applicants submit that no new matter has been introduced and the instant amendment can be properly entered.

Group Restriction Requirement and Election

The Office alleged that the pending claims of the application are directed to two separate and distinct inventions under 35 U.S.C. §121; and in response Applicants elected Group I:

Group I: drawn to a transgenic mouse, drawn to pending claims 1 to 36 (and new claims 38, 41 and 42), and classified in, inter alia, class 800, subclass 18.

Group II: drawn to methods for screening therapeutic agents for the prevention or treatment of neurological disease (e.g., comprising administration of therapeutic interventions to a transgenic mouse), drawn to pending claim 37 (and new claim 39) and classified in, inter alia, class 800, subclass 3.

After the elected product claims have been found to be allowable, all withdrawn process (methods) claims which depend from or otherwise include all of the limitations of the allowed product claims should be rejoined. Applicants note that Group II encompasses withdrawn process (methods) claims which depend from or otherwise include all of the limitations of the allowed product claims.

Rejection Under 35 U.S.C. § 112, First Paragraph, enablement

Claims 1 to 36, 38, and 40 to 42 are rejected under 35 U.S.C. §112, first paragraph, enablement requirement, because the specification allegedly does not enable any person skilled in the art to which the invention pertains or with which it is most nearly connected to make the invention commensurate in scope with the instant claims, as set forth in detail in pages 2 to 5, of the OA.

The Office does state that the specification enables transgenic mice comprising a first transgenic sequence, integrated into the genome of the mouse, comprising a sequence encoding a wild type human amyloid precursor protein (hAPP), 751 amino acid isoform (hAPP751), operably linked to a neuron-specific promoter; and a second transgenic nucleotide sequence, integrated into the genome of the mouse, comprising a sequence encoding a wild type human (h) α -synuclein operably linked to a second promoter (also a neuron-specific promoter); wherein the first and second transgenic nucleotide sequences are expressed, and the transgenic mouse develops amyloidosis, neurofibrillary tangles and intraneuronal accumulation of (h) α -synuclein (see, e.g., the paragraph spanning pages 2 to 3, of the OA).

While Applicants submit that the pending claims encompassing transgenic mice are sufficiently enabled by the specification, only to expedite prosecution of this application and allowance of the claims, the instant amendment endeavors to only encompass aspects of the

invention that the Office has found enabled by the specification, thus, the instant amendment should address the Office's concerns. Accordingly, the section 112, first paragraph rejection can be properly withdrawn.

If the Office has any remaining concerns after entry of the instant claim amendment, please call Applicants's representative at the number listed below to afford Applicants the opportunity to discuss them to expedite prosecution.

CONCLUSION

In view of the foregoing amendment and remarks, Applicants respectfully aver that the Examiner can properly withdraw the rejection of the pending claims under 35 U.S.C. §112, first paragraph. In view of the above, claims in this application after entry of the instant amendment are believed to be in condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejections of the claims and to pass this application to issue.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket No. 220002065100. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

As noted above, Applicants have requested a telephone conference with the undersigned representative to expedite prosecution of this application. Before, and/or after, the Examiner has reviewed the instant response and amendment, please telephone the undersigned at 858 720-5133.

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Respectfully submitted,

By 

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